

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: PacifiCorp/Deer Creek Mine
Permit #: C/015/018

NOV # 04-39-3-1
Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input checked="" type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: The permittee removed snow and some non-coal waste material within the snow to the Huntington Power Plant ash pile. The Huntington Power Plant is not within the permit area. The snow and non-coal waste was placed on top of the ash pile next to a sediment pond. All runoff and sediment from the snow would go into the pond. The non-coal waste material will be removed by the permittee as part of the abatement. The Deer Creek permit requires the snow to be taken to the Deer Creek refuse pile.

2. Has the event occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Sinbad Trucking was contracted by the permittee to take snow to the Huntington Power Plant ash pile. Several trucks were in the process of being loaded with snow during the inspection. Several trucks had taken snow to the ash pile prior to the inspection. This act was stopped once the inspector found out about the location where the snow was being deposited.

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: No visual damage occurred since the dirty snow was on an ash pile and next to a sediment pond. The non-coal waste material was removed by the permittee as part of the abatement. If the non-coal waste material was not removed, the permittee would be in violation of improper disposal. Some people could argue that any amount of sediment from the snow going into the sediment pond outside the permit area would constitute an off site impact. The power plant sediment pond was receiving additional sediment it normally would not receive; the snow was not being treated within the permit area or disturbed area. The snow was not clean and contained a lot of mud. See pictures.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: The discussion to take the snow to the Huntington Power Plant was made by the Mine management at the Deer Creek Mine. Most likely they did not know about the DOGM requirements. The mine management did not contact the enviromental people at the main office to find out if this action was permitted.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☒ Was the operator in violation of a specific permit condition?

Explanation: The Mining and Reclamation Permit stated that snow from the mine site would go to the Deer Creek refuse pile.

- ☒ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: The permittee received a violation in the 1980's for placing snow on Power Plant property. This information was given by the permittee. PFO does not have records dating back in the 1980's. I was told by the permittee that DOGM wrote a violation on snow storage.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: Good faith points should be given since the permittee removed the non-coal waste prior to the abatement time.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: The permittee has the necessary equipment to remove the non-coal waste material.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Stephen J. Demczak
Authorized Representative

Signature

March 8, 2004
Date